

ZB# 00-32

William Lahey

5-1-13

#00-32-Lahay, Wm.

Area 5-1-13.

Prelim.

June 26, 2000

notice to Defendant

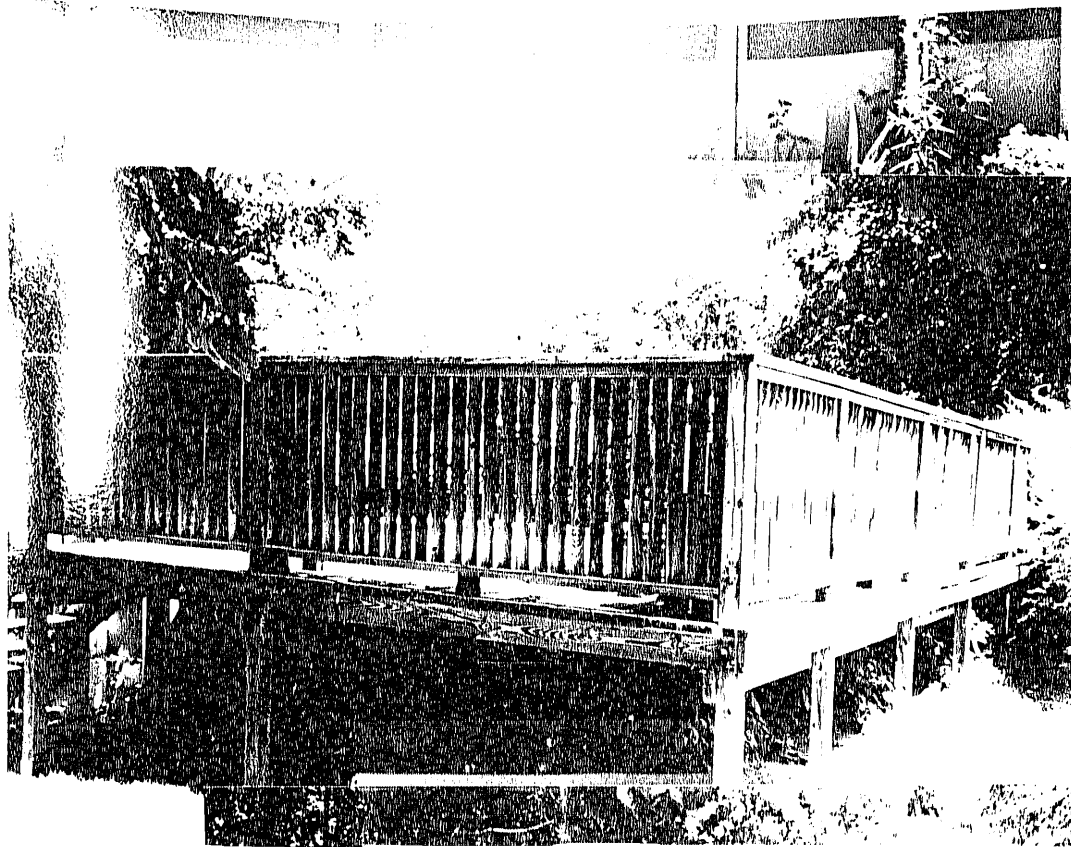
2/12/00

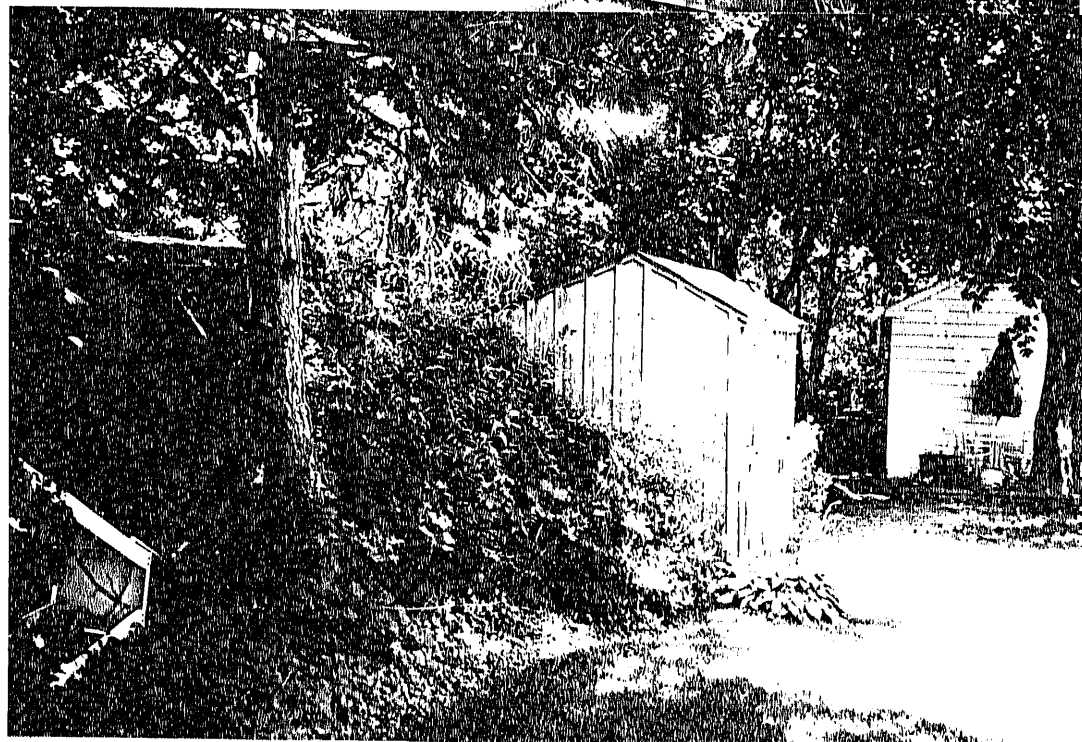
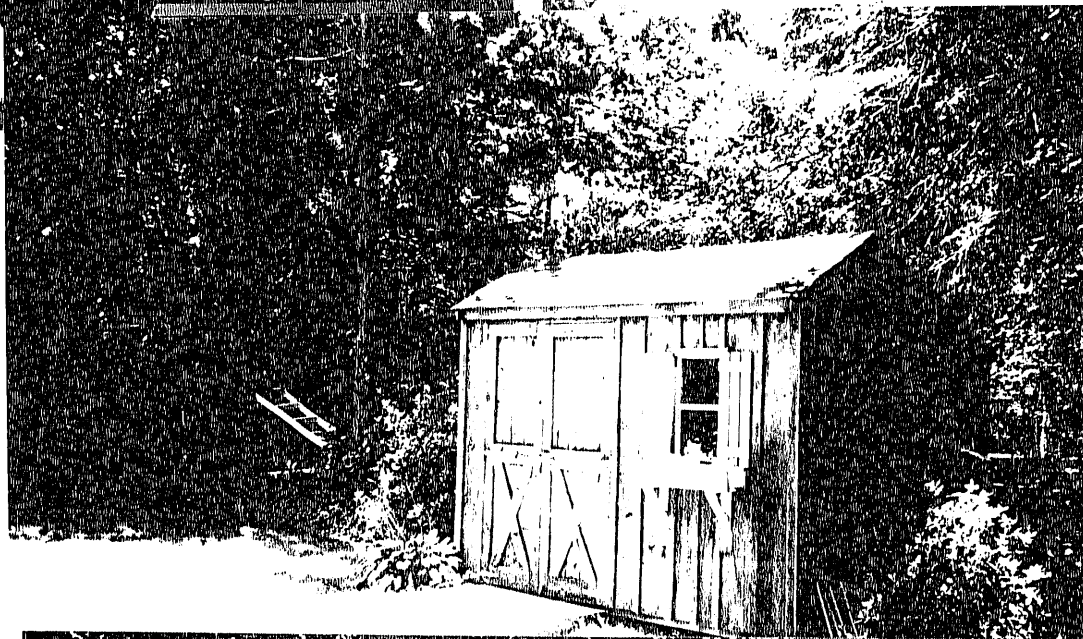
Public Hearing:

Aug. 14, 2000

Refund:

\$207.50





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Lahey

FILE# 00-32

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/26/00-2 \$ 9.00

2ND PRELIMINARY- PER PAGE 8/14/00-3 \$ 13.50

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ _____

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/26/00 \$ 35.00

2ND PRELIM. 8/14/00 \$ 35.00

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ _____

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 92.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT .. \$ 202.50

*paid ck.
1077
7/12/00.

paid
ck # 1078
7/12/00.*

Approved: Patricia A. Corbett
ZBO

M. WILLIAM LAHEY
PH. 914-562-4065
703 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

50-7936/2219


1078

DATE 7-12-00

PAY TO THE

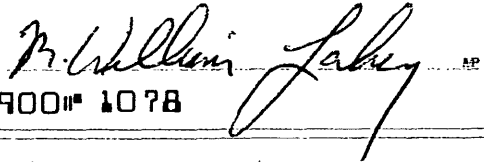
ORDER OF TOWN OF NEW WINDSOR \$ 300.00

THREE HUNDRED AND 00/100 DOLLARS

 Hudson Valley
Federal Credit Union

159 BARBOUR ROAD WINDSOR, NY 12553

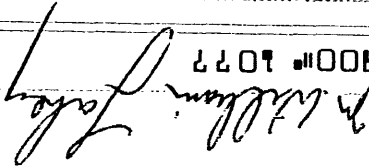
MEMO ZBA #00-32

 M. William Lahey


⑆221979363⑆00065426500900⑆1078

© 2000 Hudson Valley

MP

 M. William Lahey

⑆221979363⑆00065426500900⑆1077

 Hudson Valley
Federal Credit Union

159 BARBOUR ROAD WINDSOR, NY 12553

DOLLARS

FIFTY AND 00/100

ORDER OF TOWN OF NEW WINDSOR \$ 50.00

PAY TO THE

DATE 7-12-00

M. WILLIAM LAHEY
PH. 914-562-4065
703 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

1077

50-7936/2219

© 2000 Hudson Valley

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

William Lahey

00-32.

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 24th day of July, 2000, I compared the 20
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

-----X
In the Matter of the Application of

WILLIAM LAHEY

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

#00-32.
-----X

WHEREAS, WILLIAM LAHEY, residing at 703 Little Britain Road, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for an 8 ft. rear yard variance for an existing pool deck and an 8 ft. side yard variance for an existing shed at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of August, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The pool deck has been in place since approximately 1983. The shed has been in place for approximately 10 years. There have been no complaints, neither formal or informal about either structure.

(c) The property is peculiarly configured being only about 75 ft. wide. Construction of the deck and pool in accordance with the local law would place them in the middle of the

property, thus creating a problem for the property owner.

(d) Neither structure creates any water hazards, including the ponding or collection of water and water drainage.

(e) Other homes in the neighborhood have similar shed and decks.

(f) Neither shed nor deck are constructed on top of any water or sewer easements. Nor are they constructed on the top of any well or septic systems.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

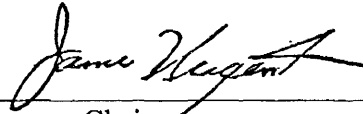
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 ft. rear yard variance for an existing pool deck and an 8 ft. side yard variance for an existing shed, at the above residence, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 13, 2000.

A handwritten signature in cursive script, appearing to read "James W. Hagen", is written over a horizontal line.

Chairman

Date 7/18/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
New Windsor NY 12550
.....

DATE			CLAIMED	ALLOWED
6/30/00	Zoning Board Mtg			75.00
	Misc - 2			
	Bed/Guardian - 3			
	Lesio - 1			
	Young - 3			
	Choet Days Inn - 2			
	Czepiel - 3			
	Kelly - 4			
	Lakey - 2 \$9.00			
	Bila - 15			
	Don Marciano - 6			207.00
	Reynolds - 6 = 46			
				282.00

LAHEY, WILLIAM

MR. NUGENT: Request for 8 ft. side yard variance for existing shed and 8 ft. rear yard variance for existing pool deck at 703 Little Britain Road in an R-4 zone.

Mr. William Lahey appeared appeared before the board for this proposal.

MR. LAHEY: The shed, they are both existing, this is a case where the house is being sold and when checking on what I have done right and haven't done, I find that I have two existing, two cases where I have existing structures that need variances, if I am to sell the house. The first one is a storage shed, the kind you see at Mr. Shed or down at Devitt's and it's between two and four feet from the property line. The property itself is only 75 feet wide, that's probably one of the reasons that we snuck it in a little closer otherwise it's jutting out into a not too wide yard to begin with, that's the case with the storage shed.

MR. NUGENT: And it's really not movable cause it's pretty permanent?

MR. LAHEY: It came in three pieces, I assembled it right there. I used to think that it was movable but now looking at it, I don't think we want to move it.

MR. KANE: How many years has it been there?

MR. LAHEY: About ten.

MR. KANE: And the deck itself?

MR. LAHEY: The deck is not a deck off the house, the pool is a 15 x 30 above-ground pool, its way in the back.

MR. KANE: A deck attached to the pool?

MR. LAHEY: Yes, it's a wooden deck and goes from 2 1/2 to 4 1/2 feet off the rear property line, the pool's been there since 1982 and the deck was put on within a year of that so 1983 that one is so it's just the deck

round the pool but it is substantial, it's not a metal deck, it's wood.

MR. REIS: You haven't had any complaints from your neighbors?

MR. LAHEY: No complaints from the neighbors, neighbors on two sides are Mr. Scheible and the neighbor on the other side, the shed is backed up to his cabana which has been there for 25 years and I'm sure it's not bothering him at all, he can't even see my shed, no.

MR. TORLEY: Just vacant behind you?

MR. LAHEY: Hank Scheible and the father's house and there's a lot, buildable lot in between us and Newburgh Packing.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up Mr. Lahey for a public hearing on his requested variances at 703 Little Britain Road.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. KRIEGER: You already heard what I said to everybody else, that's the sheet.

MR. LAHEY: Thank you.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

June 27, 2000

20

M.W. Lahey
703 Little Britain Rd
New Windsor, NY 12553

Re: 5-1-13

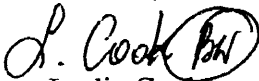
Dear Mr. Lahey,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,


Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

City of Newburgh ✓
Newburgh Water Supply
C/o City Comptroller
City Hall
Newburgh, NY 12550

Henry Scheible ✓
677 Little Britain Rd
New Windsor, NY 12553

Newburgh Packing Corporation ✓
677 Little Britain Rd
New Windsor, NY 12553

Bessie & George Hartzell ✓
707 Little Britain Rd
New Windsor, NY 12553

Henry & Helga Scheible ✓
528 Macnary Lane
New Windsor, NY 12553

Raymond Parrott & Kathy Smith (UX) ✓
713 Little Britain Rd
New Windsor, NY 12553

Otto & Loretta Scheible ✓
532 Macnary Lane
New Windsor, NY 12553

Loretta Trizinsky & Margaret Dayo ✓
309 Windsor Highway
New Windsor, NY 12553

Lujan Homes Builder's Inc. ✓
336 Route 306
Monsey, NY 10952

Anna & George Stenglein ✓
459 Little Britain Rd
New Windsor, NY 12553

Muriel Macnary ✓
535 Macnary Lane
New Windsor, NY 12553

Suzuko & Richard Unrath ✓
1 Clarkview Rd
New Windsor, NY 12553

Town of New Windsor ✓
555 Union Ave
New Windsor, NY 12553

Raymond Kin Ting Tam & ✓
Chi Chun Wong aka Jennie Wong
3 Clarkview Rd
New Windsor, NY 12553

Stephen Clark ✓
683 Little Britain Rd
New Windsor, NY 12553

Arland Co. ✓
2 Landfall Lane
Princeton, NJ 08540

Jacqueline & Frank Cromwell ✓
687 Little Britain Rd
New Windsor, NY 12553

Nathan Spells ✓
340 E 64th Street
New York, NY 10021

Marcia & Stanley Kisser ✓
695 Little Britain Rd
New Windsor, NY 12553

Rossae & Barry Quimmett ✓
689 Little Britain Rd
New Windsor, NY 12553

Date 7/13/00, 19

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

DATE			CLAIMED	ALLOWED
8/14/00		Zoning Board Mtg,	75.00	
		Misc - 2		
		Lozio - 2		
		Ferguson - 3		
		Marulanda - 5		
		Dunkin Donuts - 3		
		Lehman - 3		
		Schlesinger - 3		
		Panella - 3		
		Pearson - 3		
		Cutro - 1		
		Young - 3		
		Days Inn - 3		
		Czepiel - 2	175.50	
		Lahey - 3		
		13.50 - 39	250.50	

LAHEY, WILLIAM

Mr. William Lahey appeared before the Board for this proposal.

MR. TORLEY: Request for 8 foot rear yard variance for existing pool deck and 8 foot side yard variance for existing shed at 703 Little Britain Road in an R-4 zone.

MS. BARNHART: For the record, we sent out 20 notices on July 24th to adjacent property owners, and I don't see any responses. You got one back. One return.

MR. TORLEY: Again, is there anyone in the audience who wishes to speak on this matter? There being none, we will proceed.

MR. LAHEY: My name is Bill Lahey. I'm the property owner. The only thing that's changes since I filled out the paperwork is that there is a sale pending this appeal this evening. Before the house was for sale, but now hopefully it is sold. I did hear from two neighbors. The most immediate one's George Hartzell, H-a-r-t-z-e-l-l, who is my side yard neighbor who offered to come this evening. I told him I didn't think it was necessary, that I would pass his comments on. He has no objection to anything. And the other one is the lands of Newburgh Packing in back of Ann Scheible also did not have a problem with my requested variance.

MR. KANE: How long has the deck been up?

MR. LAHEY: The deck has been up 18 years, since 1982. I'm sorry, the pool was '82. The deck went up a year after in '83. The pool is an above-ground, 15 by 30. And I have pictures, Patty, that I gave to you.

MS. BARNHART: Yeah, they're going around.

MR. KANE: And the shed itself, how long has that been up?

MR. LAHEY: The shed has been there about ten years. And I mentioned at the preliminary meeting the shed was kind of a known violation when I put it there. The property is only 75 feet wide, and to bring it out into the yard it would really intrude and it kind of abuts my neighbor's, the cabana for his in-ground pool.

MR. KANE: Let me ask this question before my colleagues get on me. Did you create any water hazards whatsoever in building this deck or placing of the shed?

MR. LAHEY: No, I don't believe that I have. The only thing that's changed in the line of water, we brought town water in alongside the deck, but no, I didn't create any drainage problems.

MR. KANE: No complaints formal or informal about either?

MR. LAHEY: No, that's correct.

MR. McDONALD: It's not over any easements, water, sewer?

MR. LAHEY: No.

MR. TORLEY: You say you brought in town water. It's not over the water line?

MR. LAHEY: No, it's not. The water line runs down the land between the deck and the shed.

MR. TORLEY: There's no easements --

MR. LAHEY: As you look at this, I'm sorry it's small, the shed is over here and the water comes down between them.

MR. TORLEY: It's the water for your house, it's not a pipe extending --

MR. LAHEY: That's correct.

MR. KANE: Other homes in the area have similar decks or sheds on their property?

MR. LAHEY: It's on Route 207 so there's not a lot of homes in that stretch, but the ones on either side both have in-ground pools. Mine is the only above-ground one. I think in that entire stretch there's only seven houses along this stretch.

MR. KRIEGER: Now, the deck is attached to the house?

MR. LAHEY: No. The pool is in the extreme back part

of my yard and the deck is around the pool. The separation is in back of the pool. The separation from the pool to my house is probably 80 feet or something like that. Eighty to 100, you know, in the back part of the property up towards the land of Scheible Newburgh Packing.

MR. KRIEGER: That's the commercial lands by the packing plant.

MR. LAHEY: Yes. There are decks closer to the house, but they're not part of this request. They're not a problem.

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we grant Mr. Lahey's requested variance on 8 Little Britain Road.

MR. KANE: Second the motion.

ROLL CALL

MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
00-32.
COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 9, 2000

APPLICANT: William M Lahey
703 Little Britain Rd
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 8, 2000

FOR : Existing Shed

LOCATED AT: 703 Little Britain Rd

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 5-1-13

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-14 supplementary yard regulations A. Accessory Buildings, such buildings shall be setback 10 feet from any lot line. Existing shed is 2' from side property line.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Accessory building (shed)

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD: 10

2'

8'

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 522-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises MICHAEL W. LAHEY

Address 703 LITTLE BRITAIN ROAD. Phone 562-4065

Mailing Address NEW WINDSOR NY 12553

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the E side of LITTLE BRITAIN RD.
and 400' feet from the intersection of CLARKVIEW ROAD.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 5 Block 1 Lot 13

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy STORAGE SHED. b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00 Ch# 1046

PAID

Act# 1021

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Michael W. Jaky
(Signature of Applicant)

703 LTL BRITAIN RD., NEW WINDSOR

(Address of Applicant)

Michael W. Jaky
(Owner's Signature)

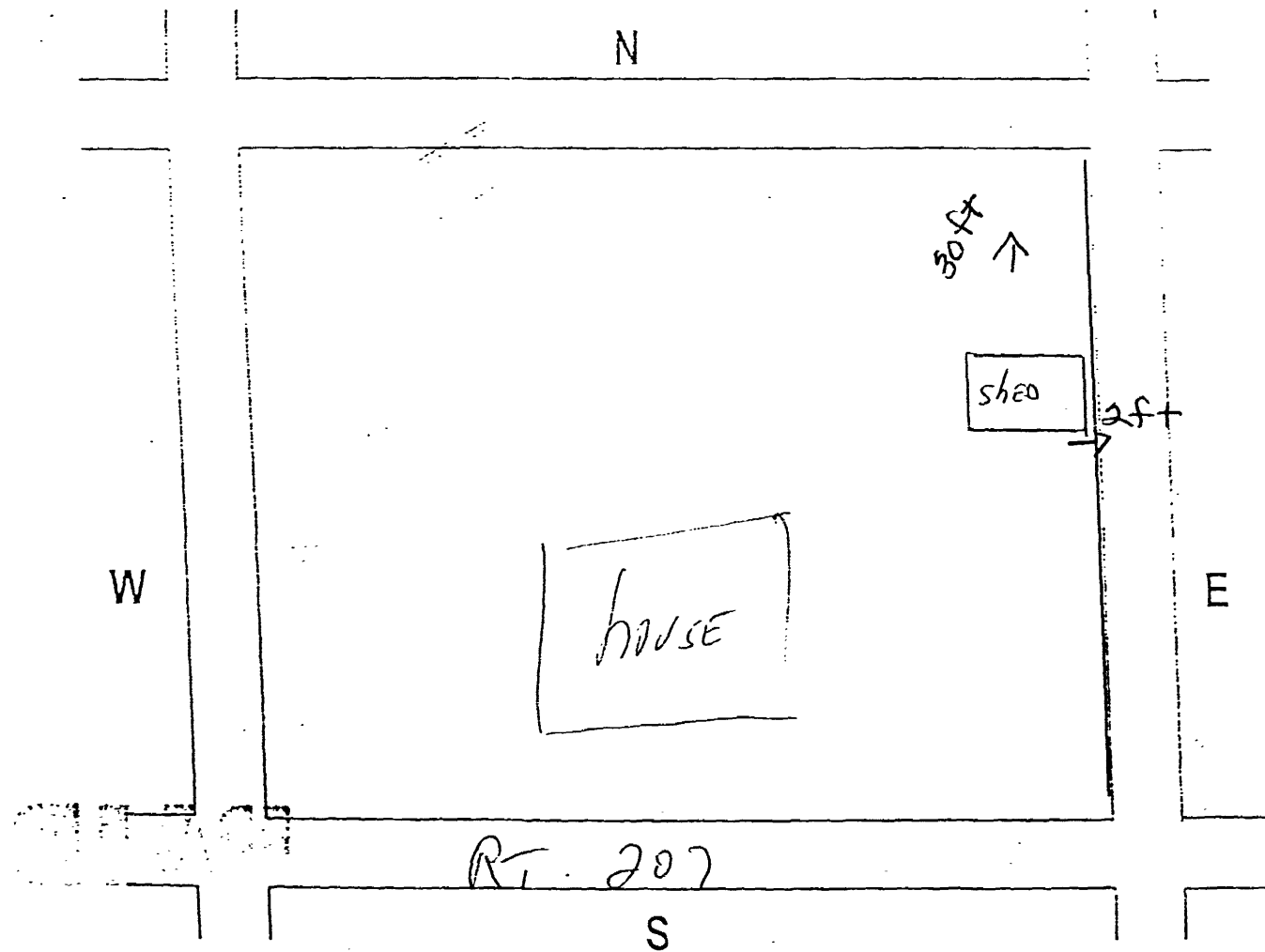
703 LTL BRITAIN RD., NEW WINDSOR

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

RECEIPT
#533-2000

07/13/2000

Lahey, William

Received \$ 50.00 for Zoning Board Fees, on 07/13/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

ZBA # 00-32

CR # 1077

Dorothy H. Hansen
Town Clerk

1 Pls. publish immediately. Send bill to Lahey @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 32.

Request of M. WILLIAM LAHEY

for a VARIANCE of the Zoning Local Law to Permit:

SIDE YARD VARIANCE - EXISTING STORAGE SHED

REAR YARD VARIANCE - EXISTING POOL DECK

being a VARIANCE of Section 48-12 - Table of Use/Bulk Reg. - Cols. F+G

for property situated as follows:

703 Little Britain Rd., New Windsor, N.Y.

known and designated as tax map Section 5, Blk. 1 Lot 13

PUBLIC HEARING will take place on the 14th day of August, 2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Corsetti, Secy

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-32.

Date: 7-12-00

I. ✓ Applicant Information:

- (a) M. WILLIAM LAHEY 703 LTL. BRITAIN RD. N.W. 12553 562-4065
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) R4 703 LTL. BRITAIN RD. NEW WINDSOR 5-1-13. 75 X 200
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? SALE-YES NOT PENDING
- (d) When was property purchased by present owner? 1981
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 5, Table of _____ Regs., Col. _____, to allow:

(Describe proposal) EXIST POOL DECK IS NOT IN COMPLIANCE WITH REAR YARD SETBACK REQUIREMENTS — EXISTING STORAGE SHED IS NOT IN COMPLIANCE WITH SIDE YARD REQUIREMENTS

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Built Regs., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>2 ft.</u>	<u>8 ft. - Shed.</u>
Reqd. Rear Yd. <u>10 ft.</u>	<u>2 ft.</u>	<u>8 ft. - Deck.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE VARIANCE REQUESTED IS NOT SUBSTANTIAL WHEN MEASURED AGAINST THE SIZE & LOCATION OF NEIGHBORING PROPERTIES - THE DECK IS 200-300 FEET FROM NEIGHBORS CLOSEST DWELLING. THE SHED IS APPROXIMATELY OPPOSITE A NEIGHBOR'S SWIMMING POOL CABANA. THE SHED & DECK ACTUALLY COMPLEMENT THE PROPERTY & DO NOT DETRACT FROM NEIGHBORS PROPERTY. BOTH ARE ONLY PARTLY VISIBLE TO MY NEIGHBORS.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 7-12-00

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

M. William Lohy
(Applicant)

Sworn to before me this

12th day of July, 192000
Patricia A. Corsetti

XI. ZBA Action:

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2001.

(a) Public Hearing date: _____.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

142.92
THIS INDENTURE, made the 13th day of September, nineteen hundred and Eighty
BETWEEN STEVE H. ANDREWS, residing at 451 Little Britain Road,
Town of New Windsor, Orange County, New York,

party of the first part, and M. WILLIAM LAHEY and BARBARA ANN LAHEY, Husband
and Wife, both residing at 2 Knox Drive, New Windsor, Orange
County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100-----

----- (\$10.00) ----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

42
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, Orange County, New York,
described as Lot No. 12 and westerly half of Lot No. 11 on Map
of Lands of Property owned by Valentine J. Kohl and Jacob A.
Decker made by Blake & Woodhull, Civil Engineers, and filed in
the Orange County Clerk's Office August 19th, 1927 as Map #639
and being a plot of land 75 feet front and rear and 225 feet in
depth.

BEING the same premises described in a deed from
Harry R. Wollé, Jr., by his attorney-in-fact, Albert P. Pacione,
Jr. to Steve H. Andrews, dated May 11, 1978 and recorded in the
Orange County Clerk's Office on May 16, 1978 in Liber 2099 of
Deeds at page 152.

1302183 MAR 297

4

